

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated September 10, 2008. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-9 are pending in the Application. Claims 4-9 are added by this amendment.

In the Final Office Action, it is suggested that the Applicant utilize suggested guidelines including section headings. Applicant respectfully declines to add the headings since the section headings may be inappropriately utilized in interpreting the claimed subject matter.

In the Final Office Action, claims 1-3 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,370,091 to Kuroda ("Kuroda"). Claims 1-3 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 7,274,638 to Lee ("Lee") in view of Kuroda. It is respectfully submitted that claims 1-9 are allowable over Kuroda alone and Lee in view of Kuroda for at least the following reasons.

Kuroda shows a method of recording information on a multilayer disk wherein data blocks are written that are of equal size (see, Kuroda, FIGs. 3A-3C, 5 and accompanying description contained in Col 3, line 43 through Col. 4, line 46). As is clear from a review of Kuroda and the figures, Kuroda does not store information in a way wherein a fragment of written information is contained within another fragment of written information. For example, in FIGs. 3B, 3C, each fragment of written information (fragments D1-D6) is self contained and does not include any other fragment of written information.

Lee shows a method of recording information on a multilayer disk wherein buffer areas are included surrounding each data area (see, Lee, FIG. 3A and accompanying description contained in Col. 5, lines 23-35). As is clear from a review of Lee and the figures, Lee does not store information in a way wherein a fragment of written information is contained within another fragment of written information. For example, in FIGs. 3A, each fragment of written information is self contained and does not include any other fragment of written information.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kuroda alone and

Lee in view of Kuroda. For example, Kuroda alone and Lee in view of Kuroda does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein information is incrementally recorded on the record carrier such that the area regarded as containing written information on the first information layer is substantially equal to the area regarded as containing written information on the second information layer, and wherein the information is stored including one fragment of written information contained within at least one other fragment of written information" as recited in claim 1.

Based on the foregoing, the Applicant respectfully submits that independent claim 1 is patentable over Kuroda alone and Lee in view of Kuroda and notice to this effect is earnestly solicited. Claims 2-9 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

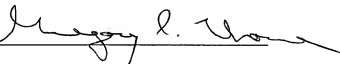
For example, the method of claim 2 is not anticipated or made obvious by the teachings of Kuroda alone and Lee in view of Kuroda. For example, Kuroda alone and Lee in view of Kuroda does not disclose or suggest, a method that amongst other patentable

elements, comprises (illustrative emphasis provided) "wherein the area regarded as containing written information on the first information layer and/or the area regarded as containing written information on the second information layer comprise an area where no information is recorded" as recited in claim 2. While Kuroda alone and Lee in view of Kuroda are recited for showing this feature, it is respectfully submitted that reliance on Kuroda alone and Lee in view of Kuroda is misplaced. It is respectfully submitted that neither of Kuroda and Lee show an area regarded as containing written information includes an area where no information is recorded. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
November 10, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101